

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
LISA MADIGAN, Attorney General of the)
State of Illinois,)

Complainant,)

v.)

PLASTIC CAPACITORS, INC., an Illinois)
corporation,)

Respondent.)

PCB No. 08-11
(Enforcement - Air)

NOTICE OF FILING

TO: Emily N. Masalski
Deutsch, Levy & Engel
225 West Washington Street
Suite 1700
Chicago, Illinois 60606

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Pollution Control Board a Stipulation and Proposal for Settlement and a Motion to Request Relief from Hearing Requirement, true and correct copies of which are attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN,
Attorney General of the State of Illinois

By: 

DATE: February 18, 2009

ANDREW ARMSTRONG
Assistant Attorney General
Environmental Bureau
69 West Washington, 18th Floor
Chicago, Illinois 60602
(312) 814-0660

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
LISA MADIGAN, Attorney General of the)	
State of Illinois,)	
)	
Complainant,)	
)	PCB No. 08-11
v.)	(Enforcement - Air)
)	
PLASTIC CAPACITORS, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

**MOTION TO REQUEST RELIEF
FROM HEARING REQUIREMENT**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the hearing requirement in the above-captioned matter. In support thereof, the Complainant states as follows:

1. On August 9, 2007, the Complaint was accepted for hearing by the Pollution Control Board ("Board") in this matter. On February 18, 2009, a Stipulation and Proposal for Settlement was filed with the Board. If accepted, the Stipulation and Proposal for Settlement will dispose of the case.

2. Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2006), allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties have submitted to the Board a stipulation and proposal for settlement. Section 31(c)(2) provides:

Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a


stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

3. No hearing is currently scheduled in the instant case.
4. The Complainant requests the relief conferred by Section 31(c)(2) of the Act.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2006).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN,
Attorney General of the State of Illinois

By: 

ANDREW ARMSTRONG
Assistant Attorney General
Environmental Bureau
69 West Washington, 18th Floor
Chicago, Illinois 60602
(312) 814-0660

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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corporation,)	
)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and PLASTIC CAPACITORS, INC. ("Respondent") ("Parties to Stipulation and Proposal for Settlement"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2006), and the Board Regulations alleged in the Complaint and herein, except as otherwise provided herein. It is the intent of the parties to this Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties to the Stipulation

1. On July 30, 2007, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2006), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2006).

3. At all times relevant to the Complaint, Respondent was and is an Illinois corporation that is authorized to transact business in the State of Illinois. At all times relevant to the Complaint, Respondent owned and operated a facility located at 2623 North Pulaski Road, Chicago, Cook County, Illinois ("Facility").

4. On October 31, 2001, the Illinois EPA issued to Respondent Operating Permit No. 73100136 for a batch vapor degreaser ("Degreaser") at the Facility.

B. Allegations of Non-Compliance

In the Complaint filed on July 30, 2007, Complainant contends that the Respondent has violated the following provisions of the Act:

Count I: Operating Degreaser Above the Solvent's Boiling Point
Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.463(e)(2)(i) of the National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning ("NESHAP for Halogenated Solvent Cleaning"), 40 C.F.R. § 63.463(e)(2)(i); and Condition 7(a) of Operating Permit No. 73100136.

- Count II:** Operating Degreaser Without a Carbon Absorber
Violation of Section 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9.1(d)(1) (2006), and Section 63.463(a)(7)(c) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.463(a)(7)(c).
- Count III:** Operating Degreaser Without the Required Freeboard Ratio
Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.463(a)(2) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.463(a)(2); and Condition 5(b) of Operating Permit No. 73100136.
- Count IV:** Failure to Submit Annual Compliance Reports
Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.468(f) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.468(f); and Condition 10(b) of Operating Permit No. 73100136.
- Count V:** Failure to Submit Semi-Annual Exceedance Reports
Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.468(h) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.468(h); and Condition 10(c) of Operating Permit No. 73100136.

Additionally, Complainant contends that the Respondent has violated the following provisions of the Act and the Board Regulations, as allegedly observed during a July 17, 2007 inspection of the Facility by the Illinois EPA:

Operating Degreaser Without the Required Freeboard Ratio
Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.463(b) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.463(b); and Condition 7(b) of Operating Permit No. 73100136.

Failure to Maintain Records of the Freeboard Ratio and Modifications Thereto
Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.467(b) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.467(b); and Condition 9(b) of Operating Permit No. 73100136.

Failure to Maintain Records of Air Blanket Temperature

Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.467(b) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.467(b); and Condition 9(b) of Operating Permit No. 73100136.

Failure to Monitor Air Blanket Temperature

Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.463(e) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.463(e); and Condition 7(a) of Operating Permit No. 73100136.

Failure to Maintain Records of Hoist Speed

Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.467(b) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.467(b); and Condition 9(b) of Operating Permit No. 73100136.

Failure to Monitor Hoist Speed

Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.463(e) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.463(e); and Condition 7(a) of Operating Permit No. 73100136.

Operating Degreaser With Excessive Hoist Speed

Possible violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.463(a)(3) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.463(a)(3); and Condition 5(c) of Operating Permit No. 73100136.

Failure to Use Threaded or Other Leakproof Couplings When Transferring Solvent To and From the Degreaser

Violation of Section 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9.1(d)(1) (2006), and Section 63.463(d)(8) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.463(d)(8).

Failure to Equip Degreaser With Vapor Level Control Device

Violation of Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2006); Section 63.463(a)(5) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.463(a)(5); and Condition 5(d) of Operating Permit No.

73100136.

Failure to Submit Annual Emissions Reports

Violation of Section 9(a) of the Illinois Environmental Protection Act, 415 ILCS 5/9(a), and Section 201.302(a) of the Board Regulations, 35 Ill. Adm. Code 201.302(a).

C. Non-Admission of Violations

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint or the allegations of violation referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

1. On August 15, 2007, the Respondent submitted to the Illinois EPA copies of Annual Emissions Reports, required by Section 201.302(a) of the Board Regulations, 35 Ill. Adm. Code 201.302(a), for the years 2005 and 2006.
2. On or about July 23, 2007, the Respondent ceased operation of its Degreaser that was the subject of the Complaint filed on July 30, 2007 and of the alleged violations observed by the Illinois EPA during its July 17, 2007 inspection of the Facility.
3. On or about August 14, 2007, Respondent purchased a new batch vapor degreaser that utilizes a non-Hazardous Air Pollutant *n-propyl bromide* solvent.
4. On or about August 20, 2007, Respondent retained environmental consultant

Bureau Veritas North America Inc. ("Bureau Veritas") to prepare a Lifetime Operating Permit application for the replacement of the Degreaser and the switch to *n-propyl bromide* solvent.

5. On November 29, 2007, the Illinois EPA issued Respondent Construction Permit No. 07100081 for a new batch vapor degreaser. The Illinois EPA also issued a revised Operating Permit No. 73100136 to Respondent on November 29, 2007 ("Revised Operating Permit No. 73100136"), permitting Respondent to operate the new batch vapor degreaser.

6. On or about January 2, 2008, Respondent installed the new batch vapor degreaser.

7. On or about August 7, 2008, Bureau Veritas conducted a vapor degreaser assessment which showed that the new batch vapor degreaser was operating in accordance with the requirements of Construction Permit No. 07100081 and Revised Operating Permit No. 73100136 at the time of testing.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation and Proposal for Settlement, and any officer, director, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees, or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, and for all violations described herein as having been observed by the Illinois EPA during its July 17, 2007 inspection of the Facility and identified in Section I.B.,

above, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2006).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2006), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties to this Stipulation state the following:

1. Human health and the environment were threatened and the Illinois EPA's information gathering responsibilities hindered by the Respondent's alleged violations.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility is suitable for the area in which it is located, so long as the Facility is operated in accordance with all applicable statutory, regulatory, and permit requirements.

4. Compliance with the terms of Operating Permit No. 73100136 and all other statutory and regulatory requirements for the operation of a batch vapor degreaser at the Facility is both technically practicable and economically reasonable.

5. The Respondent has committed to comply with the Act, the applicable Regulations, and the terms of Operating Permit No. 73100136, with respect to the violations alleged in the Complaint filed in this matter and allegedly observed by the Illinois EPA during its July 17, 2007 inspection of the Facility.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2006), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and

7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the parties to this Stipulation state as follows:

1. On October 31, 2001, the Illinois EPA issued Operating Permit No. 73100136 to the Respondent. Plaintiff alleges that, from October 31, 2001 to at least July 23, 2007, the Respondent failed to monitor, or keep necessary records concerning, aspects of its operation of its Degreaser, including the freeboard ratio, air blanket temperature, and hoist speed. From October 31, 2001 to the present, the Respondent also failed to submit to the Illinois EPA any Annual Compliance Reports or Semi-Annual Exceedance Reports related to its operation of its Degreaser, as were required by the Act; the NESHAP for Halogenated Solvent Cleaning; and Operating Permit No. 73100136. Plaintiff alleges that, from at least July 29, 2005 to at least July 23, 2007, the Respondent operated a Degreaser that did not comply with requirements of applicable regulations and Operating Permit No. 73100136. The Respondent also failed to timely submit Annual Emissions Reports related to its operation of its Degreaser, as required by the Act and Board Regulations, for the years 2005 and 2006.

On or about July 23, 2007, the Respondent ceased operating the Degreaser. The Respondent will submit to the Illinois EPA all Annual Compliance Reports and Semi-Annual Exceedance Reports now outstanding within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation, as required by Sections V.D.2 and V.D.3, below. On August

15, 2007, the Respondent submitted to the Illinois EPA Annual Emissions Reports for the years 2005 and 2006.

2. Once the Illinois EPA notified the Respondent of its alleged noncompliance on September 28, 2005, the Respondent made attempts to resolve its noncompliance with the Act, Operating Permit No. 7310013, and applicable regulations. However, the Illinois EPA allegedly observed additional violations during its July 17, 2007 inspection of the Facility.

3. The Illinois EPA has calculated that the economic benefit to the Respondent due to its alleged delay in compliance with the Act, Operating Permit No. 7310013, and applicable regulations was \$3,342.00. The Illinois EPA also has reviewed financial documents provided by the Respondent and relating to the Respondent's operations. Based upon its review of those documents, the Illinois EPA has determined that the Respondent is unable to pay a penalty equal to the calculated economic benefit, and that the imposition of such a penalty would result in a substantial and unreasonable financial hardship upon the Respondent.

4. The Complainant has determined, based upon the specific facts of this matter, that a penalty of One Thousand Dollars (\$1,000.00) will serve to deter future violations and aid in future voluntary compliance with the Act and Board regulations.

5. To the Complainant's knowledge, the Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of One Thousand Dollars (\$1,000.00) within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, Interest and Default

1. If the Respondent fails to complete any activity or fails to comply with any response or reporting requirement by the date specified in this Stipulation, the Respondent shall provide notice to the Complainant of each failure to comply with this Stipulation and shall pay stipulated penalties in the amount of Two Hundred and Fifty Dollars (\$250.00) per day until such time that compliance is achieved. The Complainant may make a demand for stipulated penalties upon the Respondent for its noncompliance with this Stipulation. However, failure by the Complainant to make this demand shall not relieve the Respondent of the obligation to pay stipulated penalties. All stipulated penalties shall be payable within thirty (30) calendar days of the date the Respondent knows or should have known of its noncompliance with any provision of this Stipulation.

2. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

3. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties

shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").

Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name, case number, and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Andrew Armstrong
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60602

D. Future Compliance

1. Effective immediately, the Respondent shall operate the batch vapor degreaser installed on January 2, 2008 in compliance with the Act, applicable Regulations, and all conditions of Revised Operating Permit No. 73100136.

2. The Respondent shall submit to the Illinois EPA Annual Compliance Reports for the years 2001 to 2007, as required by Section 63.468(f) of the NESHAP for Halogenated

Solvent Cleaning, 40 C.F.R. § 63.468(f), and Condition 10(b) of Operating Permit No. 73100136, within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation.

3. The Respondent shall submit Semi-Annual Exceedance Reports for the years 2001 through 2007, as required by Section 63.468(h) of the NESHAP for Halogenated Solvent Cleaning, 40 C.F.R. § 63.468(h), and Condition 10(c) of Operating Permit No. 73100136, within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation.

4. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

5. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state, or local laws or regulations, including but not limited to the Act and Board Regulations.

6. The Respondent shall cease and desist from future violations of the Act and applicable regulations that were the subject matter of the Complaint and that were observed by the Illinois EPA during its July 17, 2007 inspection of the Facility, and that are referenced within Section I.B, above.

E. Release from Liability

In consideration of the Respondent's payment of the \$1,000.00 penalty, its commitment to cease and desist as contained in Section V.D, above, and its completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives, and discharges the Respondent from any further liability or penalties for the violations of the Act and applicable regulations that were the subject matter of the Complaint and that were observed by the Illinois EPA during its July 17, 2007 inspection of the Facility, and that are described in Section I.B, above. The release set forth above does not extend to any matters other than those expressly specified in the Complainant's Complaint filed on July 30, 2007 and that were observed by the Illinois EPA during its July 17, 2007 inspection of the Facility, and that are expressly specified herein in Section I.B, above. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Andrew Armstrong
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60202

Maureen Wozniak
Assistant Counsel
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Manager
Compliance and Enforcement Section
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

Karen Kavanaugh Mack, Esq.
Emily N. Masalski, Esq.
Deutsch, Levy & Engel, Chartered
225 W. Washington Street, Suite 1700
Chicago, Illinois 60606

Plastic Capacitors, Inc.
c/o William P. Meskan
2623 N. Pulaski Road
Chicago, Illinois 60639

G. Enforcement and Modification of Stipulation

1. Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

2. The parties to this Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.F, above. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of each party to this Stipulation.

H. Execution of Stipulation

The undersigned representatives for each party to this Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

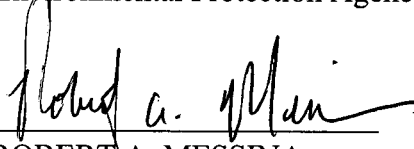
WHEREFORE, the parties to this Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

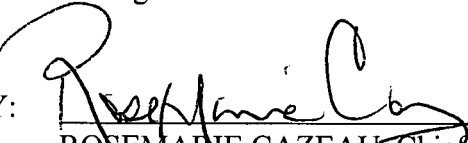
PEOPLE OF THE STATE OF ILLINOIS, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

DOUGLAS P. SCOTT, Director
Illinois Environmental Protection Agency

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division


BY: 
ROBERTA A. MESSINA
Chief Legal Counsel

BY: 
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

DATE: 1/6/09

DATE: 1/7/09

PLASTIC CAPACITORS, INC.

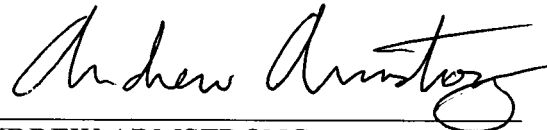
BY: 
Name: WILLIAM MESKAN

DATE: 12 JAN 2009

Title: PRESIDENT

CERTIFICATE OF SERVICE

I, ANDREW ARMSTRONG, an Assistant Attorney General, do certify that I caused to be mailed this 18th day of February, 2009, the foregoing Motion to Request Relief from Hearing Requirement, Stipulation and Proposal for Settlement, and Notice of Filing, upon the persons listed on said notice, by U.S. first-class mail.

A handwritten signature in cursive script that reads "Andrew Armstrong". The signature is written in black ink and is positioned above a horizontal line.

ANDREW ARMSTRONG
Assistant Attorney General
Environmental Bureau
69 West Washington, 18th Floor
Chicago, IL 60602
(312) 814-0660